



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of March 31, 2016

Board Members Present:

Kalliope Egloff, Chair
Lucy Burton, Co-Chair

Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:00 PM.

APPOINTMENTS

7:20 PM – Steven and Deborah Ross – Operation and Maintenance Violation: 8 Regatta Drive.

Glen Harrington stated that Steven and Deborah Ross obtained an Operation and Maintenance Contract for 8 Regatta Drive on March 16, 2016, after several notifications. The property has not had any inspections for three years. In the past Mr. Harrington recommended a fine of \$300 a year for properties that did not maintain a contract.

Lucy Burton made a motion that the Board of Health fine the owners of 8 Regatta Drive \$900, which is \$300 per year for the years 2013, 2014, and 2015, for failing to maintain their Operation and Maintenance Contract for their OMNI System. Kalliope Egloff seconded the motion. The motion was unanimously approved.

NEW BUSINESS

1. Board of Health Re-Organization.

Lucy Burton made a motion that Kalliope Egloff be nominated as Chair of the Mashpee Board of Health for the current Fiscal Year. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Kalliope Egloff made a motion that Lucy Burton be nominated as Co-Chair of the Mashpee Board of Health for the current Fiscal Year. Lucy Burton seconded the motion. The motion was unanimously approved.

Lucy Burton commented that this is the first Board of Health meeting after the loss of Burton Kaplan, a member of the Mashpee Board of Health for several years.

2. Sign Expense Warrants. The Board members signed the expense warrants.

3. Review/Approve BOH Public Session Minutes: February 18, 2016.

Lucy Burton made a motion that the Board of Health approve the Public Session minutes of February 18, 2016, as amended. Kalliope Egloff seconded the motion. The motion was unanimously approved.

4. Nomination of Inspector of Animals: Veronica Warden.

Lucy Burton made a motion that the Board of Health appoint Veronica Warden for the position of Animal Inspector for the period of May 1, 2016, through April 30, 2017. Kalliope Egloff seconded the motion. The motion was unanimously approved.

5. Request for Letter of Support: Mashpee Housing Authority, New CPA Application.

Glen Harrington commented that Leila Botsford, Director of the Mashpee Housing Authority, has asked the Board of Health to co-sponsor an application to the Community Preservation Committee to fund a program that is called the "Home Repair Program". The Home Repair Program is proposing to fund repairs at Mashpee citizen's homes where health and safety hazards may exist. Mashpee Housing inspectors will identify the hazards upon application by the applicant. The program was first to be only for elderly citizens over 60 years of age, but it is now available to all Mashpee citizens who meet income requirements. Up to \$5,000.00 per property may be requested. The Board of Health added refuse disposal and blocked egress violations to the list of eligible issues to be corrected. The goal of the Board of Health is to add counseling services for chronic collectors which will possibly be proposed next year.

Mr. Harrington believes this is a great program because it will address property hazards without the need for Board of Health enforcement. Now that the Town of Mashpee has paid for hoarding cleanout, this money may be better spent on addressing prevention issues or counseling when the time comes.

Kalliope Egloff mentioned that there is another program, the Affordable Housing Trust that allowed some of the money to be used as a loan or grant to do repairs for those that meet the requirements.

Lucy Burton made a motion that the Board of Health co-sponsor the Mashpee Housing Authority CPA Application for the Home Repair Program. Kalliope Egloff seconded the motion. The motion was unanimously approved.

6. Request to Waive Septic Loan Payment: 251 Great Neck Road North.

Glen Harrington stated that Judith Averett, owner of 251 Great Neck Road North, is requesting a waiver of the penalty fee that has been added to her principle and interest payment from a 1998 septic loan. The original loan was for \$3,300.00, but missed payments at 1.5% per month have accrued to \$3,284.00 in penalty. The Town Treasurer has asked the Board of Health to determine if the waiver should be approved as it originated as a septic repair. The Town Treasurer commented that the loan was secured with a Promissory Note that allows him to foreclose on the property for non-payment. He is trying to avoid this process. The Town Treasurer is willing to waive the penalty for hardship, but do not waive the principle and interest payment.

The Board discussed that some verification for proof of income be given to the Board of Health to determine financial hardship.

Lucy Burton made a motion that the Board of Health approve the request for the septic loan waiver of penalties and interest for 251 Great Neck Road North and no waiver for the balance due with documentation by the Health Agent.

Kalliope Egloff stated that she would like Mrs. Averett to make some payments toward the septic loan. The Board would like to establish a reasonable payment program for Mrs. Averett in order to get her back on track.

Lucy Burton rescinded her motion and requested that Mrs. Averett attend the next Board of Health meeting to explain her situation and the expected payments.

7. Variance Request – Camp Regulations: Boys and Girls Club of Cape Cod, Inc.

Lloyd Wilson, Jr., Camp Director for the Boys & Girls Club of Cape Cod introduced himself to the Board.

120 campers are allowed to attend the Boys and Girls Club. The Board has approved this variance for 130 campers since 2009. They are now requesting a variance for 140 campers for the 4 hand washing sinks. However, a quarter of the campers go to the beach daily. There is a hand washing sink in the Staff restroom, and bottles of hand sanitizers are available.

Kalliope Egloff recommended that the Boys and Girls Club of Cape Cod obtain estimates to install a wash basin once the numbers increase to 150 campers.

Lucy Burton made a motion that the Board of Health approve the requested variance from the Sanitary Code for the Boys and Girls Club with the conditions of an inspection by the Health Agent during the hours of operation, and any complaints regarding the convenience of using the bathroom facilities shall require Board of Health review of the variance. Kalliope Egloff seconded the motion. The motion was unanimously approved.

8. Review of Prospective Board of Health Members – Recommendation to Selectmen.

The Board of Health was asked to review the prospective applicants for the vacant position as a member of the Board of Health.

Lucy Burton commented that she has served on the Board of Health and worked in the Health Department with Glenn Santos for seven years. Mr. Santos has a strong knowledge and knows the functions of the Board. He has also been a resident of the Town of Mashpee for many years. Brian Baumgaertel has many qualifications that would be a tremendous asset to the Mashpee Board of Health. Kalliope Egloff agreed with Ms. Burton that Mr. Santos is extremely qualified and that Mr. Baumgaertel is multifaceted in his certifications and his education.

Glen Harrington remarked that he will remain neutral at this point because he feels they are both tremendously qualified. Glenn Santos has shown his interest to the Board with his commitment and knowledge. Brian Baumgaertel would also be a great asset. The Town of Mashpee would be very fortunate to have either applicant.

Kalliope Egloff and Lucy Burton recommend Brian Baumgaertel for the vacant position as a member of the Mashpee Board of Health.

OLD BUSINESS

1. Housing Compliance Update: 394 Cotuit Road.

Glen Harrington remarked that Erika Woods obtained a new signed contract for six months from Vickie McFarland-Richter for 394 Cotuit Road. The kitchen and first floor bedroom were in the process of being cleaned. There were bulky items in the basement that were being removed. An inspection of the property will be performed in April by Veronica Warden, Assistant Health Agent. An update will be given at the April 28, 2016, Board of Health meeting.

2. Update on Failed Septic System: 87 Lighthouse Lane.

Glen Harrington commented that Mr. and Mrs. Rivers signed the contract to have Joey DeBarros install the septic system at 87 Lighthouse Lane.

Joey DeBarros is to come into the Board of Health to sign and complete the Disposal System Construction Permit Application to install the septic system at 87 Lighthouse Lane.

3. Update on Failed Septic System: 46 Pond Circle.

The emergency design plan for 46 Pond Circle was drawn by Glen Harrington and sent to four licensed installers for quotes: Bortolotti Construction, Joey's Septic Service, B & B Excavation Inc, and Ready Rooter Excavating. B & B Excavation is the low bidder. If the system is installed by the first meeting in May, then no further action by the Board is necessary. A lien will be placed on the property per the loan program. The Board had voted in February to wait 45 days to review the condemnation. Also, Mr. and Mrs. Rose provided their income requirements as requested by the Board of Health.

Lucy Burton made a motion that the Board of Health award the contract to B & B Excavation as the low bidder to install the septic system at 46 Pond Circle. Anything else is continued to the May 5, 2016, Board of Health meeting. Kalliope Egloff seconded the motion. The motion was unanimously approved.

4. Change Order and Housing Update: P-103 Deer Crossing, Shellback Way.

Glen Harrington mentioned that in his comments to the Board of Health members there is a breakdown of the expenses for Unit P-103 Deer Crossing, Shellback Way. The only item not added was time for Town Counsel.

Mr. Harrington remarked that he spoke to Tom Mayo, former Assistant Town Manager, regarding the change order and the contract. Mr. Mayo recommended to not grant the change order because the contract stated “no change orders”. In Mr. Harrington’s opinion he felt that additional money was added into Cape Cod Builders own contract regarding the appliances. Mr. Harrington changed his mind and recommended denying the change order. Also, Mr. Harrington wrote a great letter of recommendation for Cape Cod Builders.

Lucy Burton made a motion that the Board of Health not approve the requested change order for Cape Cod Builders based on the language in the original contract. Kalliope Egloff seconded the motion. The motion was unanimously approved.

ADDITIONAL TOPICS

None.

DISCUSSION

1. Meeting Update – Mashpee Cares Committee Meeting: Glen Harrington.

Glen Harrington commented that he attended the Mashpee Cares Committee Meeting on February 23, 2016. At this meeting there was a training from 12:30 until 4:00 PM, and then the Mashpee Cares Committee Meeting took place. The training was a coalition round table presented by the Regional Substance Abuse Council. They discussed capacity building and problem solving and turning data into information that can be used for the coalition. Three coalitions were present at this training.

At the Mashpee Cares Committee Meeting, State without Stigma Certification was discussed and taken to the Mashpee Selectmen for signature.

2. Tobacco 21.

Lucy Burton requested to have a discussion on restricting the sale of tobacco products and nicotine delivery products. Ms. Burton stated that she attended the public hearing in Falmouth regarding their proposal to increase the age limit to purchase tobacco and nicotine delivery devices from 18 to 21.

The Mashpee Board of Health, Glen Harrington, and the Chairman of the Falmouth Board of Health discussed fines, addiction, and age limitations for the purchase and sale of tobacco products and nicotine delivery devices. An article from the New England Journal of Medicine discussing the frontal development of the brain was provided by the Falmouth Chairman. The article states that this section of the brain does not finalize until the 20-22 year range and controls susceptibility to addiction.

Glen Harrington commented that a Public Hearing for Tobacco 21 will be placed on the April 28, 2016, Mashpee Board of Health agenda.

3. Syringe Exchange Program.

Glen Harrington remarked that there has not been a formal request concerning the needle exchange program. Since Barnstable v. Aids Support Group of Cape Cod is still in litigation, the Board would like to continue discussion on the Syringe Exchange Program at a later date.

4. Plastic Bag By-law.

Glen Harrington stated that the Environmental Oversight Committee would like to add the plastic bag by-law to the Mashpee October Town Meeting. As there has not been a formal request, this is for informational purposes only.

The Board of Health and Mr. Harrington discussed the uses of plastic bags and the harm it causes to the environment.

5. Animal Welfare Ballot Question.

The Board of Health was contacted by the Citizens for Farm Animals who have requested a ballot question to prohibit the use of battery cages that are reportedly used for the keeping of chickens. Salmonella is reported at a higher rate in cage-kept chickens. Mr. Harrington contacted the Barnstable Agricultural Commission concerning farm animal regulations. The Barnstable Agricultural Commission stated that only one farm in Massachusetts has battery cages. Since this is a ballot question, it will be addressed by the voters.

6. Nitrogen Control By-Law.

Glen Harrington commented that he attended the Mashpee Selectmen's Meeting concerning the nitrogen control by-law. Drew McManus, Mashpee Conservation Agent, addressed the Selectmen. John Cahalane, Chairman of the Board of Selectmen, stated that this is entirely educational. It was not meant to be enforcement.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, April 7, 2016, at 7:00 PM. As there was no further business, Lucy Burton made a motion to adjourn the Public Session Meeting of the Board of Health at 8:30 PM. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments